IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2830 OF 2004

Rajesh Chhotelal Jaiswal ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.K.P. Pandey, for the Applicant.

Mr.A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

18th March 2005

P.C.:

. Heard Counsel for the parties. I see no reason to depart from the conclusion reached by the lower Court in allowing the application filed by one of the investors for cancellation of bail on the grounds stated in the order under challenge. Indeed, the Applicant was released on bail by order dated 19th January 2004, but before he had availed bail, one of the investors moved

the concerned Court for recalling that order and cancelling the bail as relevant fact was not brought to the notice of the Court when the bail was granted in favour of the Applicant. It is a matter of record that the Applicant was granted bail in connection with the alleged offence. Later on, he did not attend the Court for a long period which resulted in issuance of warrants against him; and later on, order of proclamation came to be issued. After his arrest, the Applicant had filed application for bail, which was rejected on merits on 12th November 2003. However, by order dated 19th January 2004, the lower Court granted bail to the Applicant on humanitarian considerations that his mother was unwell and almost 80 years of age, who was required to be attended to. However, before the Applicant was released on bail, pursuant to the said order, one of the investors filed application for recalling the bail order passed in favour of the Applicant, inter alia, on the ground that the relevant fact has not been brought to the notice of the Court. It was stated that while on bail, the Applicant indulged in similar offence by establishing new company

and inviting deposits of Rs.1,500/- from the prospective investors alluring them good returns. The allegation made in the application remained uncontroverted, which fact weighed with the lower Court in allowing the application prefered by the investor. Even before this Court, the Applicant is unable to point out that the allegations made against him are incorrect. Whereas, the Applicant while on bail floated a new company and invited fresh deposits from the prospective investors; thus, indulging in similar activities. That is a good reason for cancelling the bail which was already granted to the Applicant. No interference is warranted. Dismissed.

. As prayer for bail is rejected, the lower Court will proceed with the trial on expeditious basis.

(A.M.KHANWILKAR,J.)